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JAN 24 1967

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Ambassador Fencaltea's Call

I suspect that when Ambassador Fencaltea comes to see you at Noon January 25 about the NPT that he will bear down on the "European option" issue. In anticipation of such interest I am forwarding a copy of an oral statement prepared by Len Meeker for use when Ambassador Knappstein came to see me on January 13. At his request, a written copy of this was subsequently transmitted to the German Embassy. You might find it useful to draw upon this statement at the January 25 meeting.

/s/ William C. Foster
Director

William C. Foster

Attachment

Cleared in substance
with GBunn.

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DATE: JANUARY 8, 2020

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The draft non-proliferation treaty would not bar succession by a federated European state to the nuclear status of one of its former components. The draft does not prohibit non-nuclear-weapon states from joining with nuclear-weapon states to form a new state that would have its own nuclear weapon. The new state would "succeed" to the nuclear weapons of its former nuclear-weapon state component or components without a "transfer" of such weapons (which is prohibited by the treaty) being involved. Succession by a new federated European state to nuclear weapons of a component state would be automatic; hence no act of "transfer" could be involved. Without such succession, it could not properly be said that a new federated "state" had come into existence. Moreover, the Soviets understand as fundamental to the treaty that what it does not prohibit is permitted. Since the treaty does not prohibit a consolidation of states and does not require the destruction of any nuclear weapons, it must permit the creation of a federated European state with its own nuclear weapons.

By the same token non-nuclear-weapon states would not receive a transfer of nuclear weapons by participating in the formation of the new state. Nor would they violate the other prohibitions of Article II through such participation because the new state rather than they would be the only entity acquiring nuclear weapons.

President Johnson in 1964 indicated that, so far as the United States is concerned, the criterion for a new European entity having its own nuclear weapons was full political unity with a central political authority capable of making a decision to use nuclear weapons. This would probably not be practical without a consolidation of state sovereignties into a new federated state.

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In our view, under the draft treaty a new federated European state would not have to be so centralized as to assume all governmental functions. It would have to control all of its external security functions including defense and all foreign policy matters relating to external security. Other functions of an internal nature would not have to be centralized.

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